

## REMARKS

This is in response to the Office Action mailed on November 18, 2004, and the references cited therewith.

Claims 1, 11, 16, 26, 31, 32, and 33 are amended, no claims are canceled, and no claims are added; as a result, claims 1-45 remain pending in this application.

### §101 Rejection of the Claims

Claims 1, 11, 16, 26, 31, 32 and 33 were rejected under 35 USC § 101 allegedly because the claimed invention is directed to non-statutory subject matter.

Claims 1, 11, 16, 26, 31, 32, and 33 have been amended more clearly to indicate that they fall with the technological arts. For example, claims 1, 16, and 31 have been amended to indicate that the license is transmitted from a server to a secure device for storage, and claims 11, 26, 32 and 33 have been amended to indicate that the entitlement control message is transmitted via an electronic network.

In view of the amendments to the claims it is submitted the rejection under 35 USC § 101 has been overcome and reconsideration of the claims as amended is earnestly requested.

*Conclusion*

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 408-333-9972 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

ROBERT W. FRANSDONK

By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
408-333-9972

Date 02/09/05

By   
~~Andrew M. Marais~~  
Reg. No. 48,095

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 9<sup>th</sup> day of February, 2005.

Name

Dawn R. Shaw

Signature

Dawn R. Shaw